

CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Jean Paul Lozada	Team: Squad #2	CCRB Case #: 201507189	<input type="checkbox"/> Force	<input type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input checked="" type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Friday, 06/19/2015 6:25 AM	Location of Incident: § 87(2)(b)	Precinct: 40	18 Mo. SOL 12/19/2016	EO SOL 12/19/2016	
Date/Time CV Reported Wed, 08/26/2015 10:41 AM	CV Reported At: CCRB	How CV Reported: On-line website	Date/Time Received at CCRB Wed, 08/26/2015 10:41 AM		

Complainant/Victim	Type	Home Address
§ 87(2)(b)	§ 87(2)(b)	§ 87(2)(b)

Witness(es)	Home Address
§ 87(2)(b)	§ 87(2)(b)
§ 87(2)(b)	§ 87(2)(b)

Subject Officer(s)	Shield	TaxID	Command
1. LT Joaquin Morales	00000	921608	040 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Robert Nicholson	00000	933095	INT CIS

Officer(s)	Allegation	Investigator Recommendation
A.LT Joaquin Morales	Abuse: Lt. Joaquin Morales entered and searched § 87(2)(b) in the Bronx.	§ 87(2)(b)
B.LT Joaquin Morales	Abuse: Lt. Joaquin Morales failed to show the search warrant to § 87(2)(b)	§ 87(2)(b)

Case Summary

On August 26, 2015, § 87(2)(b) filed this complaint with the CCRB via the on-line website.

On June 19, 2015, at approximately 6:25 a.m., Lt. Joaquin Morales and a team of officers from the 40th Precinct and the Emergency Services Unit forced their way into and searched § 87(2)(b)'s apartment at § 87(2)(b) in the Bronx (**Allegation A**). The officers allegedly stated that they were looking for drugs and guns and showed § 87(2)(b) a photograph of her grandchildren's father, § 87(2)(b). § 87(2)(b) asked to be shown a warrant but was not shown one (**Allegation B**). No contraband was located and the officers left the apartment without effecting any arrests.

§ 87(2)(g)

Mediation, Civil and Criminal Histories

- Mediation was offered to § 87(2)(b) during her telephone statement on September 10, 2015 and again during her interview on September 17, 2015. § 87(2)(b) rejected mediation § 87(2)(b)
- On October 6, 2015 and December 22, 2015, on-line Freedom of Information Law requests for any notice of claim filed by § 87(2)(b) regarding this incident were sent to the NYC Comptroller's office (Board Review 01). Any responsive notice of claim will be added to the case file upon receipt.
- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

Civilian and Officer CCRB Histories

- This is the first CCRB complaint filed by § 87(2)(b) (Board Review 02).
- Lt. Joaquin Morales has been a member of the NYPD for 17 years and has 3 prior CCRB allegations involving 3 cases with no substantiated allegations. § 87(2)(g)

Findings and Recommendations

Allegations not pleaded

- § 87(2)(b) stated that the officers entered her apartment with their guns drawn and pointed them at her and her two grandchildren. She also stated that the officers forced open her front door and her lock box, damaging these items in the process. Because the officers entered the apartment pursuant to a valid search warrant (Board Review 03) these allegations are subsumed within Allegation A.

Explanation of Subject Officer Identification

Allegations A and B are pleaded against Lt. Joaquin Morales because he is listed as the entry supervisor on the tactical plan (Board Review 04).

Allegation A – Abuse of Authority: Lt. Joaquin Morales entered and searched § 87(2)(b) in the Bronx.

The investigation determined that the search conducted at § 87(2)(b) in the Bronx was in accordance with a valid Bronx County no-knock search warrant § 87(2)(b), which was issued by Hon. § 87(2)(b) on § 87(2)(b) (Board Review 03). The tactical plan (Board Review 04) lists Lt. Morales as the entry supervisor and lists DI Lorenzo Johnson and Cpt. Charles Girven as the highest ranking officers at the scene. § 87(2)(g)

Allegation B – Abuse of Authority: Lt. Joaquin Morales failed to show the search warrant to § 87(2)(b)

§ 87(2)(b) stated that the officers told her that they had a warrant. § 87(2)(b) asked an officer whom she could not describe to show her the warrant, and then this officer showed § 87(2)(b) a document containing a photograph of her grandson's father, § 87(2)(b) § 87(2)(b) acknowledged that she knew § 87(2)(b). However, the paper that the photograph was printed on was folded in half lengthwise, so she could not read what was printed on the folded side and did not know whether it was a warrant. § 87(2)(b) did not see anything else on the document besides the photograph. § 87(2)(b) did not recall if she asked the officer to show her the entire document. § 87(2)(b) was never shown another document.

Lt. Morales, the entry supervisor, stated that one of the police officers or detectives had a copy of the warrant during the entry, but he did not know which specific officer had the warrant. Lt. Morales stated that he did not have physical possession of the warrant. Lt. Morales noted that whoever is in possession of the warrant is responsible for showing it to a civilian and that only the tenant of record is entitled to view the warrant. Lt. Morales was not sure whether the tenant of record was present during this incident. Lt. Morales stated that no civilian in the apartment asked him to see a copy of the warrant and that he did not hear anyone request any officer to show him or her a copy of the warrant. Lt. Morales stated that it is not procedure to show the warrant regardless of whether or not it is requested by a civilian. If the tenant of record asks to see the warrant, officers are required to show the warrant to this individual. Lt. Morales did not know if this was done during the incident. Lt. Morales did not recall having any interaction with any civilians in the apartment. Nothing of note happened with the civilians.

Patrol Guide Procedure 212-105 (Board Review 05) states, "The member of service executing the search warrant shall, when able to do so safely, show a copy of the search warrant to any of the occupants of the premises."

§ 87(2)(g)

§ 87(2)(g) [Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]
[Redacted]

Squad: 2

Investigator:	_____	_____	_____
	Signature	Print	Date
Pod Leader:	_____	_____	_____
	Title/Signature	Print	Date
Attorney:	_____	_____	_____
	Title/Signature	Print	Date